IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 7989 of 1991
With
SPECIAL CIVIL APPLICATION No. 8679 of 1991

For Approval and Signature:

HON'BLE MR JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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GUJARAT SKILLED WORKER UNION GENERAL SECRETARY R PANCHAL & 1 - Petitioner(s)

Versus

STATE OF GUJARAT - Respondent(s)

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Appearance :
MR GM JOSHI for Petitioner No(s).: 1,2.
(MR ANIL R DAVE) for Respondent No(s).: 1.
MR AJAY R MEHTA for Respondent No(s).: 1.
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CORAM : HON'BLE MR JUSTICE KS JHAVERI
Date : 20/07/2005

ORAL JUDGMENT

1. The petitioners herein have prayed for the following reliefs;

(a) directing the respondent nos. 1 to 3 to treat

the petitioner as their permanent workmen from the date of their initial engagement and to pay to them all the benefits like pay and allowances and other benefits under various labour laws and directing the respondent nos. 1 to 3 to treat the persons whose names are mentioned in Annexure A to the petition as permanent workmen from the date of their initial engagement and to pay to them all benefits like pay and allowances and other benefits on the basis of equal pay for equal work.

(aa) directing the respondent no. 7 to hold necessary enquiry as contemplated under the provisons of Employees Provident Fund & Miscellaneous Provisions Act, 1952 and launch prosecution to recover damages and appropriately compensate petitioner and other workers enlisted in annexure-A and ascertain strict compliance of provisions of the said Act from respondents 1 to 3.

(b) any other and further order as may be deemed fit and proper be granted.

(c) directing the respondent authorities to pay to the workmen whose names are mentioned in Annexure-A the salary and allowances as are directed by the respondent commission with retrospective effect (i.e.) w.e.f. 13.2.1991 as revised from time to time.

(d) restraining the respondent authorities from terminating the services of those workmen whose names are stated in the statement at Annexure-A to the petition and further restraining them from altering the status quo regarding the conditions of service.

(e) directing the respondents no. 5 and 6 to investigate into the complaints of these workmen raised in the present petition and report to this Hon'ble Court and to take appropriate steps for enforcing various labour laws like Industrial Disputes Act, Payment of Wages Act, Minimum Wages Act etc.

(f) .....

2. I have heard learned counsel for the parties and have perused the documents placed on record. Having gone through the reliefs claimed by the petitioner Union, I am of the opinion that the appropriate remedy available to the petitioner Union is to claim the aforesaid reliefs by way of raising a Demand before the Industrial Tribunal (Central).

3. In that view of the matter, the petitioner Union shall approach the Industrial Tribunal (Central) by way of a Demand to claim the aforesaid reliefs. With the above direction, the petitions stand disposed of. Rule is made absolute to the aforesaid extent with no order as to costs.

[K. S. JHAVERI, J.]

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